

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

LIBERTARIAN PARTY OF SOUTH) Civ. No. 15-4111-KES
DAKOTA, et al,)
Plaintiffs,) PLAINTFFS' MOTIONS:
v.) (1) FOR PRELIMINARY INJUNCTION
SHANTEL KREBS, et al,) AND
Defendants.) (2) TO EXPEDITE BRIEFING

)

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs respectfully request the issuance of a preliminary injunction. This injunction would halt Defendants' enforcement of the March 29, 2016 deadline mandated by SDCL § 12-5-1 by which a new or newly-qualifying political party must submit a petition to the South Dakota Secretary of State in order for that party to have its name appear on the November 2016 election ballot. Unless such an injunction is issued, Plaintiffs are likely to suffer irreparable injury on March 29 when the deadline goes into effect. The nature of Plaintiffs' injury and the grounds upon which this motion are based are set forth in an accompanying Brief.

Local Rule 7.1(B) provides that a party has 21 days to respond to a motion unless "otherwise specifically ordered by the court," and that the moving party then has 14 days to reply. Due to the urgent nature of this matter, Plaintiffs request that the Court order Defendants to file their response within 10 days (that is, by March 3, 2016) and Plaintiffs file their reply within five days (that is, by March 8, 2016).

Respectfully submitted this 22nd day of February, 2016.

/s/ M. Laughlin McDonald

M. Laughlin McDonald
American Civil Liberties Union Foundation
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
T/404-500-1235
F/404-565-2886
Lmcdonald@aclu.org

/s/ Stephen L. Pevar

Stephen L. Pevar
American Civil Liberties Union Foundation
330 Main Street, 1st Fl.
Hartford, CT 06106
T/860-570-9830
F/860-570-9840
spevar@aclu.org

/s/ Brendan V. Johnson

Brendan V. Johnson
Robins Kaplan, LLP
101 S. Main Street, Suite 100
Sioux Falls, South Dakota 57104
T/605-335-1300
F/612/339-4181
Bjohnson@robinskaplan.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2016, I electronically filed the foregoing Motions with the Clerk of Court using the CM/ECF system which sent a notice of electronic filing to the following person:

Ellie J. Bailey Ellie.Bailey@state.sd.us

/s/ Stephen L. Pevar
Stephen L. Pevar